



# City of Costa Mesa Council Agenda

**TUESDAY, APRIL 15, 2008**

**Eric R. Bever**  
Mayor

**Linda W. Dixon**  
Council Member

**Allan R. Mansoor**  
Mayor Pro Tem

**Katrina Foley**  
Council Member

**Wendy Leece**  
Council Member

City Attorney  
Kimberly Hall Barlow

City Manager  
Allan Roeder

Development Services Director  
Donald Lamm

Public Services Director  
Peter Naghavi

City Clerk  
Julie Folcik

**Council Chambers, 77 Fair Drive**  
**5:00 p.m. – Closed Session   and   6:00 p.m. – Council Meeting**

TIME LIMIT FOR CITY COUNCIL MEETINGS: Except by majority vote of the City Council to continue, meetings shall conclude at midnight. If there is unfinished business on the Agenda, those items will be continued to the next regularly scheduled City Council meeting, pursuant to Resolution No. 05-8.

## **Welcome to the City Council Meeting**

Your attendance at this public meeting is valued and appreciated.

The following City codes, guidelines, and reminders are provided for your information:

1. In accordance with Costa Mesa Municipal Code, Sec. 2-64 (1): No person in the audience shall "engage in disorderly, disruptive, disturbing, delaying or boisterous conduct including but not limited to, handclapping, stomping of feet, whistling, making noise, use of profane language or obscene gestures, yelling or similar demonstrations, which may disrupt the peace and good order of the Council proceedings."
2. All cell phones and pagers are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.
3. In accordance with City Council Policy 000-11, and among other requirements, any video submitted for display at a public meeting must have been previously reviewed by staff to verify appropriateness for general audiences. A copy of this policy is available at City Hall during normal office hours.

4. Please use the podiums on either side of the dais to speak to the City Council. Direct all verbal communications, requests, and/or questions to the Mayor.
5. Any written communications, pictures, etc., to be provided to the Council should be directed to the City Clerk. Any exhibits to be displayed on the overhead screen may be given to the appropriate staff member.

NOTE: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (714) 754-5225. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II].

## CLOSED SESSION

### 5:00 p.m.

At the conclusion of the Public Comment, the City Council will recess to Conference Room 1B for Closed Session. Please note that if there are not any closed session items listed, City Council will convene at its regular meeting time of 6:00 p.m.

#### I ROLL CALL

- II PUBLIC COMMENTS      Members of the public are welcome to address the City Council only on those items listed on the Closed Session agenda. Each member of the public will be given three (3) minutes to speak.

#### III CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL – Pending Litigation: Astin and Locke v. City of Costa Mesa; Orange County Superior Court Case Number 06CC05755, pursuant to Government Code Section 54956.9(a).

#### **RECESS TO STUDY SESSION:**

*The Council will recess to and convene an Agenda Review Study Session beginning at 5:30 p.m. in Conference Room 1-A of City Hall. The public is welcome to attend and offer comment.*

*Pursuant to Resolution No. 07-80, each member of the public will be given an opportunity to speak for two (2) minutes on Study Session agenda items. A maximum overall time of (15) minutes will be permitted for public comment. Note that no action may be taken by the City Council prior to the 6:00 p.m. meeting.*

**RECONVENE REGULAR MEETING**

**REGULAR CITY COUNCIL AGENDA**

**6:00 p.m.**

**PLEDGE OF ALLEGIANCE** Council Member Linda Dixon

**MOMENT OF SOLEMN EXPRESSION** Pastor Amour Potter, Costa Mesa Seventh Day Adventist Church

*[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The Council disclaims any intent to endorse or sponsor the views of any speaker. Interested presenters, please contact the City Clerk's office.]*

**ROLL CALL**

**CLOSED SESSION REPORT**

**PRESENTATIONS** Mayor's Award – Sergeant Vic Bakkila

National Start! Walking Day Proclamation – American Heart Association

**SPEAKERS: PLEASE PRINT YOUR NAME AND ADDRESS (Optional) ON THE SPEAKER FORM(S) AND PRESENT TO THE CITY CLERK PRIOR TO THE ITEM.**

**PLEASE NOTE:**

- **YELLOW FORM IS FOR PUBLIC COMMENTS – TOPICS NOT ON THE AGENDA.**
- **GREEN FORM IS FOR AGENDA ITEMS. PLEASE FILL OUT FOR EACH AGENDA ITEM YOU WISH TO ADDRESS.**

IV PUBLIC COMMENTS: To ensure fair and equal treatment of all who appear before the City Council and to expedite City business, speakers will be limited to three (3) minutes each to address any item within the City Council's jurisdiction and which is not listed on the Agenda. The three (3) minute per speaker time limit may be extended for good cause by the Mayor, or by majority vote of City Council Members. Questions and comments made by public speakers may be addressed by Council during Council Comments.

V COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Council Member Katrina Foley
2. Council Member Linda Dixon
3. Mayor Eric Bever

4. Council Member Wendy Leece
5. Mayor Pro Tem Allan Mansoor

VI **CONSENT CALENDAR:** All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the City Council, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion. Items removed from the Consent Calendar will be discussed and voted upon immediately following City Council action on the remainder of the Consent Calendar.

Members of the public who wish to discuss Consent Calendar items should come forward to the microphone upon invitation by the Mayor, state their name, city in which they reside, and item number to be addressed.

#### **CONSENT CALENDAR ITEM NOS. 1 THROUGH 8.**

##### Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

##### Minutes

2. Regular Meeting of April 1, 2008; and Adjourned Regular Meeting/Study Session of April 8, 2008.

**Recommendation: Approve**

##### Warrants

3. Warrant Resolution 2208, funding City operating expenses for \$990,832.03.

**Recommendation: Approve**

CONSENT CALENDAR—continued

4. Warrant Resolution 2209, funding Payroll No. 807 for \$2,471,725.39, and City operating expenses for \$642,490.41 including payroll deductions.

**Recommendation: Approve**

Administrative Actions

5. [Cooperative Agreement 12-554 with State of California Department of Transportation \(Caltrans\), for the construction of improvements on Newport Boulevard between 17<sup>th</sup> Street and 19<sup>th</sup> Street.](#)

**Recommendation: Approve and authorize the City Manager and/or City Attorney to make minor revisions based on final discussions with Caltrans; authorize the Mayor and City Clerk to sign**

6. [Agreement with the County of Orange to Transfer Property or Funds for Fiscal year \(FY\) 2007-2008 Homeland Security Grant Program \(HSGP\) purposes.](#)

**Recommendation: Approve; authorize the City Manager or his designee and City Clerk to sign**

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF FISCAL YEAR 2007 HOMELAND SECURITY GRANT PROGRAM (HSGP) FUNDS.

**Recommendation: Adopt resolution**

7. [Authorize refund of cash deposit in the amount of \\$9,076 to Home Plate Development, 711 West 17<sup>th</sup> Street, Costa Mesa, in connection with Encroachment Permit No. PS06-00769 for street improvements and setting corner monuments for PM-2006-142 located at 2463 Elden Avenue.](#)

**Recommendation: Approve**

Administrative Actions

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING THE STREETSCAPE AND MEDIAN DEVELOPMENT STANDARDS, to modify the maximum mature height of landscape shrubberies within parkways and medians.

**Recommendation: Adopt resolution**

-----END OF CONSENT CALENDAR-----

VII PUBLIC HEARINGS - 7:00 p.m. (Resolution No. 05-55)

1. PUBLIC HEARING: Rehearing of the Review of the Planning Commission's determination for Planning Application PA-07-48, for Richard and Wendy Schones, authorized agents for Gary F. Schones, for variances from rear setback requirements (10 feet required; 3 feet existing), rear yard coverage requirements (25% maximum permitted, 76% existing) and open space requirements (40% required; 36% proposed); and an administrative adjustment for reduced side setbacks (5 feet required; 3 feet proposed), to legalize a garage and rear-unit at the property in conjunction with a minor design review for an existing single-family residence to exceed the recommended 80% second-to-first floor ratio (90% proposed) and a minor modification to allow first and second story encroachments into the front setback (20-feet required; 16-feet proposed), located at 378 Costa Mesa Street, in an R1 zone. Environmental determination: exempt.

**Recommendation: Adopt resolution to uphold, reverse, or modify Planning Commission's decision**

2. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF ALLEY NO. 62 BETWEEN OLD NEWPORT BOULEVARD AND ALLEY NO. 61.

**Recommendation: Adopt resolution ordering the vacation and authorize the Mayor and City Clerk to sign; authorize City Clerk to record the Quitclaim Deed**

PUBLIC HEARINGS – continued

3. [PUBLIC HEARING: Draft Santa Ana River Trail “Vision Study” providing recommendations for habitat restoration and passive activities and trail links along the Santa Ana River Trail on the City’s westerly border.](#)

**Recommendation: Provide direction; approve the final document as is or with necessary modifications**

VIII OLD BUSINESS

1. [From the meeting of April 1, 2008, Dissolution of the Fairview Park Friend/Fundraiser Committee.](#)

**Recommendation: Provide direction**

IX NEW BUSINESS

1. [General Plan Screening Request GPS-08-01 for 2501 Harbor Boulevard \(Fairview Developmental Center\).](#)

**Recommendation: Approve for processing of the proposed General Plan amendment request**

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Next Regular City Council Meeting will be held on May 6, 2008.